IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 1150 of 2005

Between:

U.Narasimhulu, S/o.China Narasanna, aged 52 years,
Occ:Driver, E-405858R/o.Rudrampet Village, Ananthapur District.

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Gooty Depot,

Gooty, Ananthapur District.
2. The Divisional Manager, APSRTC,

Ananthapur Division, Ananthapur.
3. The Regional Manager, APSRTC,

Ananthapur Region, Ananthapur.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the proceedings No.M1/2(16)/99-GTY dt.27-10-1992 of the 1st respondent and proceedings No.PA/20(284)/93, DVH 'A' dt. 30-4-1994 of the 2nd respondent and proceedings No. PA/ 675(96)/01, RH-A dt.31-10-2002 of the 3rd respondent as illegal, arbitrary in violation of principals of natural justice and in violation of Art.14 and 21 of the Constitution of India and

consequentially direct the respondents to add two annual increments to the pay of petitioner.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY, SC FOR APSRTC

The Court at the stage of admission made the following:

ORDER:

For causing an accident and failure to observe the road rules while driving the vehicle on 10.08.1992, charges were framed and an order-cum-show cause notice was issued to the writ petitioner on 27.10.1992 calling for his explanation. The writ petitioner gave his explanation stating that he has not committed any offence. Not satisfying with the explanation submitted by the writ petitioner, the Disciplinary Authority imposed a penalty of deferment of annual increments for a period of two years which shall have effect on future increments and ordered for recovery of Rs.1,000/-. Aggrieved by the same, the petitioner preferred appeals before the second respondent and third respondent, which were rejected by them. Questioning the same, the present writ petition is filed.

The learned counsel appearing for the writ petitioner contended that imposing a major penalty without conducting any enquiry is illegal and he prays to take a lenient view by imposing a minor penalty.

The learned standing counsel for APSRTC appearing for the respondent did not oppose the same.

It is not in dispute that the disciplinary authority passed the impugned order without conducting any departmental enquiry. Having not satisfied with the explanation offered by the petitioner, a penalty of two annual increments with cumulative effect was imposed on him. There cannot be any dispute that imposing the penalty of deferment of two annual increments with cumulative effect is a major penalty. But, such a major penalty cannot be imposed without conducting any departmental enquiry. Though it is a matter to be remitted back to the Disciplinary Authority for appropriate decision, as the incident in question took place long back and the writ petitioner also prayed to impose a minor penalty, I am of the opinion that the same can be considered.

Therefore, considering the facts and circumstances of the case, a minor penalty can be imposed on the petitioner.

In the result, the writ petition is disposed of modifying the penalty passed by the Disciplinary Authority to that of deferment of one annual increment without cumulative effect. There shall be no order as to costs.

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K.C. BHANU,J

Dated:31.01.2005,

CCM

To:

1. The Depot Manager, APSRTC, Gooty Depot,

Gooty, Ananthapur District.
2. The Divisional Manager, APSRTC,

Ananthapur Division, Ananthapur.
3. The Regional Manager, APSRTC,

Ananthapur Region, Ananthapur.

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